

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DANICA GAGLIANO-DELTGEN and
VICTOR GARCIA,

Plaintiffs,

Case No. 20-CV-1353

v.

CITY OF KENOSHA, KENOSHA COUNTY, and
JOHN DOES 1-100, in their Individual Capacities.

Defendants.

AFFIDAVIT OF GINO M. ALIA

STATE OF WISCONSIN)
) SS
COUNTY OF KENOSHA)

GINO M. ALIA, being duly sworn on oath, deposes and states as follows:

1. I am a member of the law firm Alia, DuMez & McTernan, S.C., attorneys for the defendants, City of Kenosha and John Does 1-100.

2. On April 11, 2022, I sent discovery requests to plaintiffs' counsel, Attorney Milo Schwab, along with a request to depose his clients. I sent additional emails to plaintiffs' counsel in May and June as follow-up to the discovery and deposition requests.

3. On June 24, 2022, I advised plaintiffs' counsel that I intended to file a motion for summary judgment (Rule 56(a) motion), and that I would like to meet and confer regarding the agreed-upon statement of facts. Attorney Schwab and I agreed to meet and confer on June 27, 2022.

4. On June 27, 2022, I spoke with Attorney Schwab and he informed me that he was pending final approval from his clients for dismissal of this lawsuit. Based on this representation, we deferred our discussion regarding the agreed-upon statement of facts for purposes of summary

judgment.

5. On June 29, 2022, I sent a proposed stipulation for dismissal and proposed order for dismissal to plaintiffs' counsel.

6. I followed up with plaintiffs' counsel regarding the status of the stipulation for dismissal on July 5, July 7, July 12 (after proposed changes were made to the proposed stipulation for dismissal pertaining solely to the issue of fees and costs), and July 14.

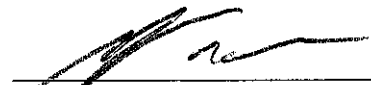
7. On July 15, 2022, Attorney Schwab informed me that two of his clients agreed to dismiss their claims, but that he and Attorney Motley were waiting for final confirmation from their other two clients.

8. On July 21, 2022, plaintiffs' counsel confirmed that Ms. Akindes and Mr. Walton had agreed to the stipulation for dismissal, and that they would be moving to withdraw as counsel for the other two plaintiffs. I advised counsel that I would follow up over the upcoming weekend on the pending proposed facts for purposes of summary judgment.

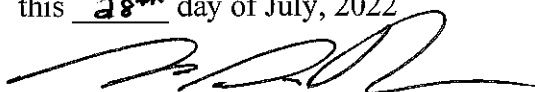
9. On July 24, 2022, I sent to plaintiffs' counsel a proposed set of agreed-upon facts.

10. On July 25, 2022, Attorney Schwab again confirmed that he and Attorney Motley were going to withdraw as counsel, intended to file a motion to withdraw and that given these circumstances could not agree on any fact stipulations.

Dated at Kenosha, Wisconsin this 28 day of July, 2022.


Gino M. Alia

Subscribed and sworn to before me
this 28th day of July, 2022



Notary Public, State of Wisconsin
My commission expires: PERMANENT

